

REMARKS

This Amendment is in response to the Official Action mailed January 7, 2004, the shortened statutory period for filing a response expiring on April 7, 2004. Applicant submits herewith a three-month extension petition to reset the deadline for responding to the Official Action to and including July 7, 2004. In view of the following remarks and amendments, reconsideration of the Examiner's rejections and Notice of Allowance of all pending claims is respectfully requested.

As an initial matter, Applicant extends his gratitude to Examiner Nguyen for the courtesies shown during several conversations with Applicant's counsel conducted in the month of February and again more recently in the month of June. Each of the amendments made herein are believed to be consistent with the points expressed and positions taken during those conversations.

The Examiner has objected to the drawings under 37 C.F.R. § 1.83(a) for failing to show a spring assembly disposed upstream of the feed means. As shown in Figs. 1 and 3, in its forward direction, the wire (12) passes the change of direction pulley (23), spring assembly (31), feed means (20) and finally the guide rail (14). As the spring assembly (31) is positioned prior to the feed means (20), counted in the feed direction of the wire, the spring assembly (31) is "upstream" of the feed means, as claimed in claim 2. Therefore, the submitted drawings are supported by the specification and require no amendment.

It is understood that a proposed drawing change is required in reply to the outstanding Official Action, and that the objection will not be held in abeyance. However, as discussed with Examiner Nguyen on June 28, 2004, Applicant has not amended the drawings but relies on the remarks made herein in response to this non-final action. Should amended drawings

be required in a subsequent action, Applicant is prepared to re-address the issue.

Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner contends that claim 2 is functionally indefinite for failing to recite sufficient structure and the structure's inter-relationships to properly define the invention. The Examiner has suggested that the features of claim 13 be included in claim 2 in order to overcome the rejection and place claim 2 in a condition for allowance. By adding the features of claim 13, Applicant would be stating that the invention of claim 2 comprises three guide rollers, wherein all three of the guide rollers are in contact with the wire when the wire is in the taut condition and less than all of the guide rollers are in contact with the wire when the wire is in the slack condition.

Although Applicant greatly appreciates the Examiner's suggestion, Applicant respectfully submits that the features of claim 13 unnecessarily narrow the scope of the invention as claimed in claim 2 far beyond the point of patentability. Accordingly, Applicant has amended claim 2 to require a "plurality" of guide rollers, rather than "at least one" guide roller as presently claimed or three guide rollers as claimed in claim 13. This amendment is believed to be consistent with the Examiner's position taken during the telephone conferences of February, where the Examiner contended that the spring assembly must include at least two guide rollers. It is anticipated that this amendment will overcome the rejection under § 112, second paragraph. Notwithstanding this amendment, Applicant reserves the right to file one or more divisional applications claiming the subject matter of the pre-amended claim 2.

Claim 2, as well as claims 8-11 and 14-19 have been rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 3,157,109 issued to Flanigan et al. ("*Flanigan*"). Each of these rejections appears to be based substantially on the same reasoning set forth in the previous Office Action. In addition, the Examiner contends that *Flanigan* discloses a wire guide block with at least one guide roller rotatably mounted on the block with a spring applying a force to the wire guide block. In the Examiner's view, this matches the structure of claim 2 as presented prior to the amendments made herein. In addition, as to the wire being no longer in contact with the at least one guide roller in a slack condition, the Examiner contends that *Flanigan* discloses a feed motor creating a slack loop in the wire when the feed motor is operated in a reverse direction, to inherently cause the wire to come off contact with the guide roller, if only momentarily.

The *Flanigan* reference indeed includes two guide rollers (21) rotatably mounted on wire guide blocks influenced by springs (22). The *Flanigan* reference also includes a motor (38) which may be operated in a reverse direction. It is this reverse operation which the Examiner contends inherently causes the wire to come off contact with the guide rollers. In examining the specification of *Flanigan*, however, it is apparent that the wire is not intended to come off contact with the roller at the maximum forward position, when the mechanism is accumulating slack wire, such as claimed in the present invention. Indeed, the rollers of *Flanigan* are not intended to reach their maximum forward position during normal operation at all. If the wire were to come off contact with *Flanigan* at any time during normal operation, it is clear that such time would be near the minimum forward position, when the rollers are closest together, or relatively near that position as it is in

that position that the motor reverses, not when the wire guide blocks are in the maximum forward position.

Further, the springs (22) of *Flanigan* are described as being "relatively long low rate springs." (Col 2, lns. 58-62.) The inherent nature of long low rate springs is that they will bias the roller against the wire through a long-range of motion. Any reverse direction presented by the motor (38) should therefore not induce a slack condition as in the present invention, but will in fact cause the spring (22) to shift and "take up slack in the wire." (Col. 2, lns. 58-62.)

The apparent intent of the *Flanigan* invention is that the length of wire retracted into the apparatus will be consistently tensioned by the springs (22) and rollers (21), even as the reel (17) continues to feed new wire into the apparatus. There is no indication anywhere in the specification to suggest that the wire (11) ever becomes disengaged from the rollers (21). In fact, it is quite clear that the wire is intended not to become disengaged.

The rollers (21) are free to shift toward each other during forward rotation of the motor (38) or away from each other, to take up slack, during reverse rotation of the motor (38). The tensioning of the wire (11) against the respective springs (22) will cause the roller (21) to always remain in contact with the wire (11), as is intended, to provide consistent tensioning of the wire despite the Examiner's contention that the reverse direction will inherently cause the wire (11) to come off contact with the roller (21). Should there be any slackening of the wire (11), the brake (18) will be activated and the mechanism halted. (Col. 2, lines 60-61).

Applicant has amended claim 2 to include the feature that the wire is no longer in contact with at least one of the plurality of guide rollers when the guide block is at the maximum forward position. The specific teaching of *Flanigan*

teaches away from the presently claimed invention, at least as amended, and thus the amended claims should be allowed.

In *Flanigan*, the rollers (21) may indeed reach a maximum forward position when they are furthest apart. At that point the wire (11) may become disengaged from the roller (21). This is clearly not suggested by *Flanigan* to be a feature of normal operation. During normal operation of *Flanigan*, the rollers (21) are not at their extreme maximum range and are always providing tension on the wire to prevent the brake from activating. In the present invention, however, the guide block reaches its maximum position during normal operation. Applicant has added new claims 20-21 which specifically recite this aspect of the invention.

It is noted here that claim 21 also includes the feature where a portion of the wire is stationary while the wire is completely removed from at least one of the guide rollers. The wire of *Flanigan* is not intended to be stationary at any point during the invention's normal operation. If it were, the brake would be activated.

Claim 22, featuring the maximum forward position of the guide block being reached by pressing of the spring has also been added. It is noted that, in *Flanigan*, the guide blocks achieve a maximum forward position, when the rollers are farthest apart, by pulling of the springs not pushing.

Claim 12 has been rejected under 35 U.S.C. § 103 over *Flanigan*. In light of the amendments to claim 2, the base claim from which claim 12 depends, claim 12 should be allowable if claim 2 is allowed. As such, no argument as to the allowability of claim 12 with respect to the 4.5 m/s claim need to be made.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: July 6, 2004

Respectfully submitted,

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